

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

v.

**WHITNEY D. LUND, SR. and STANDARD
TRANSFER & TRUST CO.**

Defendants.

**SCHEDULING ORDER, AND
ORDER SETTING HEARING**

Case No. 2:09-cv-01050-DBP

Magistrate Judge Dustin B. Pead

An earlier schedule was vacated on July 27, 2011. The following matters are now scheduled. The times and deadlines set forth herein may not be modified without the approval of the Court and on a showing of good cause.

IT IS ORDERED that a Final Pretrial Conference will be conducted at 1:00 p.m., on March 3, 2014.

****ALL TIMES 4:30 PM UNLESS INDICATED****

1.	PRELIMINARY MATTERS	DATE
	U.S. Government, 15 U.S.C. § 78j Securities Fraud	
a.	Was Rule 26(f)(1) Conference held?	Yes <u>03/03/10</u>
b.	Has Attorney Planning Meeting Form been submitted?	Yes <u>03/30/10</u>
c.	Was 26(a)(1) initial disclosure completed?	Yes <u>07/23/10</u>
2.	DISCOVERY LIMITATIONS	NUMBER
a.	Maximum Number of Depositions by Plaintiff(s)	<u>15</u>
b.	Maximum Number of Depositions by Defendant(s)	<u>15</u>
c.	Maximum Number of Hours for Each Deposition (unless extended by agreement of parties)	<u>2</u>
d.	Maximum Interrogatories by any Party to any Party	<u>25</u>
e.	Maximum requests for admissions by any Party to any Party	<u>Unlimited</u>

f.	Maximum requests for production by any Party to any Party	<u>Unlimited</u>
3.	AMENDMENT OF PLEADINGS/ADDING PARTIES¹	DATE
a.	Last Day to File Motion to Amend Pleadings	08/30/13
b.	Last Day to File Motion to Add Parties	08/30/13
4.	RULE 26(a)(2) REPORTS FROM EXPERTS²	DATE
a.	Plaintiff	11/22/13
b.	Defendant	11/22/13
c.	Rebuttal reports	12/19/13
5.	OTHER DEADLINES	DATE
a.	Discovery to be completed by:	
	Fact discovery	<u>1/17/14</u>
	Expert discovery	<u>1/31/14</u>
b.	(optional) Final date for supplementation of disclosures and discovery under Rule 26 (e)	<u>2/7/14</u>
c.	Deadline for filing dispositive or potentially dispositive motions	<u>2/14/14</u>
6.	SETTLEMENT/ALTERNATIVE DISPUTE RESOLUTION	DATE
a.	Referral to Court-Annexed Mediation:	<u>No</u>
b.	Referral to Court-Annexed Arbitration	<u>No</u>
c.	Evaluate case for Settlement/ADR on	<u>00/00/00</u>
d.	Settlement probability:	<u>Good</u>

*Specify # of days for Bench or Jury trial as appropriate.
Shaded areas will be completed by the court.*

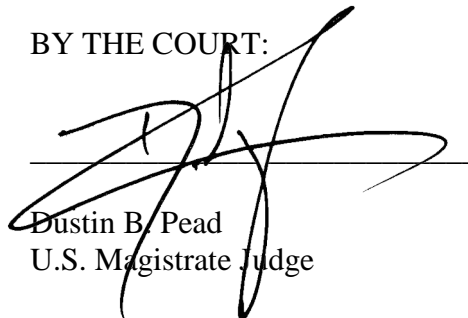
7.	TRIAL AND PREPARATION FOR TRIAL	TIME	DATE
a.	Rule 26(a)(3) Pretrial Disclosures ³		
	Plaintiff		<u>02/17/14</u>
	Defendant		<u>02/17/14</u>
b.	Objections to Rule 26(a)(3) Disclosures (if different than 14 days provided in Rule)		<u>00/00/00</u>
c.	Special Attorney Conference ⁴ on or before		<u>02/24/14</u>
d.	Settlement Conference ⁵ on or before		<u>02/24/14</u>
e.	Final Pretrial Conference	1:00 p.m.	<u>03/03/14</u>
f.	Trial	<u>Length</u>	
	i. Bench Trial	<u>10 days</u>	8:30 a.m. <u>03/17/14</u>

8. OTHER MATTERS

Counsel should contact chambers staff of the District Judge regarding Daubert and Markman motions to determine the desired process for filing and hearing of such motions. All such motions, including Motions in Limine should be filed well in advance of the Final Pre Trial. Unless otherwise directed by the court, any challenge to the qualifications of an expert or the reliability of expert testimony under Daubert must be raised by written motion before the final pre-trial conference.

Dated this 21st day of August, 2013.

BY THE COURT:


Dustin B. Pead
U.S. Magistrate Judge

¹ Counsel must still comply with the requirements of Fed. R. Civ. P. 15(a).

² A party shall disclose the identity of each testifying expert and the subject of each such expert's testimony at least 60 days before the deadline for expert reports from that party. This disclosure shall be made even if the testifying expert is an employee from whom a report is not required.

³ Any demonstrative exhibits or animations must be disclosed and exchanged with the 26(a)(3) disclosures.

⁴ The Special Attorneys Conference does not involve the Court. Counsel will agree on voir dire questions, jury instructions, a pre-trial order and discuss the presentation of the case. Witnesses will be scheduled to avoid gaps and disruptions. Exhibits will be marked in a way that does not result in duplication of documents. Any special equipment or courtroom arrangement requirements will be included in the pre-trial order.

⁵ The Settlement Conference does not involve the Court unless a separate order is entered. Counsel must ensure that a person or representative with full settlement authority or otherwise authorized to make decisions regarding settlement is available in person or by telephone during the Settlement Conference.